

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	NO. 21-229
	:	
MICHAEL GOLDNER	:	

ORDER

AND NOW, this 2nd day of July 2024, upon considering Defendant's Motion to vacate/set aside/correct sentence (ECF No. 119), United States' Opposition (ECF No. 123), finding no basis for relief under Section 2255 based on amended language in the presentence investigation report after Defendant approved the report and no basis to find his counsel constitutionally ineffective for a strategic decision not to call a witness mentioned during opening statements given the course of the evidence presented by the United States at trial, and for reasons in today's accompanying memorandum, it is **ORDERED** Defendant's Motion to vacate (ECF No. 119) is **DENIED** without prejudice and we find no basis to issue a certificate of appealability or hold an evidentiary hearing.



KEARNEY, J.